

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	No. 15-10127-MLW
)	
TIMOTHY R. FLAHERTY)	
_____)	

**ASSENTED-TO RESPONSE BY TIMOTHY FLAHERTY TO COURT ORDER OF
MARCH 21, 2016, AND MOTION FOR PRETRIAL CONFERENCE**

Now comes the Defendant Timothy R. Flaherty who responds to this Honorable Court's Order, Dkt. 58, and requests that the Court schedule a pretrial conference while further extending the date by which he must file various Motions to Dismiss until after any scheduled Pretrial Conference. In support of this Motion, the defendant states as follows:

1. That the defendant has made several requests to extend the time for his filing of Motions to Dismiss, Dkt. 54, 55, 56, and 57, at first to facilitate the preparation of the Motions and then to further ongoing discussions with the Government aimed at fully and fairly resolving the above-captioned matter;
2. That this Honorable Court has ordered that by today's date, the defendant either file the Motions to Dismiss, ask for a Rule 11 hearing, or ask for a Pretrial Conference, *see* Dkt. 58;
3. That the defendant, with the assent of the Government, asks that this Honorable Court schedule a Pretrial Conference for a date on or after April 29, 2016 and further extend the schedule for the filing of his Motions to Dismiss;
4. That the defendant represents to the Court that meaningful and substantive discussions

between the Government and his counsel continue, that the parties are attempting to resolve the above-captioned matter prior to any further litigation, and that both parties believe that this further continuance is in the interests of justice;

5. That the defendant agrees that the time between February 19, 2016, until the date that is set by this Honorable Court for a Pretrial Conference is excludable under the provisions of 18 U.S.C. 3161(h)(1)(D) given the pendency of an Appeal from the Order of the Magistrate-Judge, Dkt. 47, and further agrees that it is in the interests of justice for this time period to be excluded to allow the parties to continue their attempts to resolve this dispute short of trial, *see* ¶ 4, *supra*, 18 U.S.C. 3161(h)(7)(A).

LOCAL RULE 7.1 STATEMENT

The undersigned has conferred with counsel for the United States. Assistant U.S. Attorney, S. Theodore Merritt, assents to granting the relief requested herein.

Wherefore, the Defendant respectfully requests the within motion be allowed.

Respectfully Submitted
TIMOTHY R. FLAHERTY
By his attorneys,

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Date: April 8, 2016

Certificate of Service

I, Martin G. Weinberg, hereby certify that on this date, April 8, 2016, a copy of the forgoing document has been served via CM/ECF Electronic Filing, upon Assistant U.S. Attorney S. Theodore Merritt, Assistant U.S. Attorney Robert Fisher and all other counsel of record.

/s/ Martin G. Weinberg

Martin G. Weinberg